

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

APR 28 2015

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NEVIN KAREY SHAPIRO,

Civil Action No. 14-1316 (SDW)

Petitioner,

vs.

UNITED STATES OF AMERICA,

MOTION TO RECONSIDER

Respondent.

Now comes the Movant, Ms. Murray who requests the District Court to reconsider its order denying her intervention in this matter.

I. FACTUAL BASIS FOR COURTS JURISDICTION

The factual basis for jurisdiction exists in the affidavits filed in case 97-CV-2729 [SDFL] and 99-CR 6063[SDFL]. The crime which Nevin Shapiro plead guilty in this matter was funded directly by the crimes in 97-CR-6063. This evidence includes FBI affidavits.

Ms. Murray provided these facts in her brief including citations to court documents in both New Jersey and South Florida Federal Courts. See page ID 374 of case 2:14-CV-01316-SDW Document 17 at paragraphs 5, 6, 7, 8, 9, 10, and the next page at paragraph 13, 14, 15, and 16.

The United States of America NEVER DENIED THESE FACTUAL ASSERTATIONS by the Movant in her motion to intervene. Neither did Nevin Shapiro.

The crime charged against Nevin Shapiro is directly and 100% financially tied to the case 97-CR-6063 in the Southern District of Florida evidenced by Federal Court documents. Thus, the cases in Florida and New Jersey are ONE CRIME, not two separate crimes.

This DISTRICT COURT HAS JURISDICTION to make a determination where the crimes that Nevin Shapiro plead guilty to in New Jersey were funded by criminal proceeds in Florida case

97-CR-6063 [SDFL]. Further, this Court also has jurisdiction to issue a factual finding that sufficient evidence existed in 1997 and was available to the United States of America to actually prevent Nevin Shapiro's crimes in this action.

II. Federal Civil Rules of Procedure grant authority for intervention.

The Federal Civil Rules of Procedure Rule 24(a)(2) and 24(b) permit intervention. As the District Court states, there is no authority regarding intervention in 28 U.S.C. 2255 cases. Thus this action is novel. There is no PROHIBITION of Ms. Murray's intervention. Ms. Murray does not have to prove permission because the Civil Rule themselves do not limit rule 24(a)(2) and 24(b) from applying 28 U.S.C. 2255 actions. Thus, this is a new legal application of intervention on a unique set of facts.

III. NOT ABOUT OVERTURNING THE FLORIDA CASE

The District Court is confused as to Ms. Murray's request to intervene. OF COURSE, this New Jersey District CANNOT overturn her conviction. HOWEVER, when this District Court rules issues a ruling that Nevin Shapiros crime was funded from the criminal proceeds in 97-CR-6063 [SDFL]; this creates newly discovered evidence by judicial order to allow Ms. Murray to proceed in Florida to overturn her conviction.

Also, when Ms. Murray obtains discovery from the United States of America showing the Florida Prosecutors knew that Nevin Shapiro was continuing the crimes of his parents in New Jersey; there will also be additional documents that will be newly discovered.

IV. IT'S THE RIGHT THING TO DO

Does the District Court have elderly parents? Some elderly retirees lost their entire savings through the crimes of Nevin Shapiro. The United States of America HAD THE OPPORTUNITY TO STOP Nevin Shapiros crimes in 1997 literally almost before they started. Had Guy Lewis

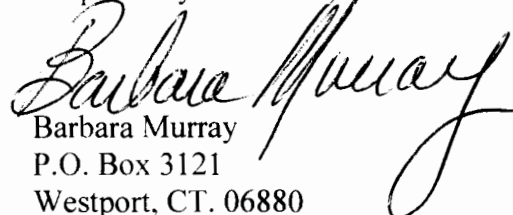
actually prosecuted Nevin Shapiro in 97-CR-6063, as the FBI affidavit stated Nevin Shapiro was a suspect in 97-CV-2729; those retirees would have never lost their retirement.

The full extent of the misconduct and negligence of the Southern District of Florida Federal Prosecutor's office should be exposed so it cannot occur again.

CONCLUSION

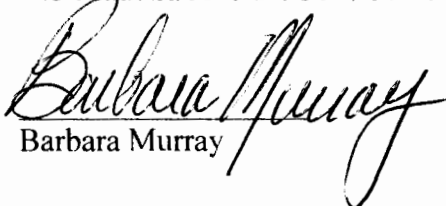
The movant is requesting the Court to reconsider its order denying her intervention. Please, do the right thing your Honor and hold the United States accountable for its agent's misconduct and negligence and grant Ms. Murray's motion to intervene. The entire truth needs to come out in the interest of justice.

Respectfully submitted,


Barbara Murray
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Westport, CT. 06880
(203) 222-0472

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing motion was furnished to Office of the Assistant United States Attorney, Jacob Elberg and Thomas J. Eicher, Assistant United States Attorney(s), 970 Broad Street, Newark, N.J., 07102, and Mr. Nevin Karey Shapiro, FCI Butner, P.O. Box 999, Butner, North Carolina, 27509, this 24th day of April, 2015. and Maria Elena Perez, 145 Madeira Ave Ste 310, Coral Gables, FL 33134-4520.


Barbara Murray

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